

## Parenting after separation – the case for sharing

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*“I want to be a dad to her. Pick her up from her grandparents after school and give her tea in mine before taking her back to her mum's. I want to go to parent's evenings, see my daughter as often as possible and play a positive role. How can I when my ex calls ALL of the shots, no access is defined, I have no parental responsibility and my contact is dwindled down to the point where my ex can tell all and sundry that I'm some deadbeat down the bookies all day who doesn't care?”*

This posting by a Families Need Fathers member on our online forum is echoed daily in phone calls to Families Need Fathers Scotland. We sometimes hear four or five similar stories in a day, and have been contacted by over a thousand fathers in the last 18 months. New partners and other family members contact us and other organisations such as Grandparents Apart with distressing stories about being cut off from grandchildren, nephews and nieces by unreasonable behaviour and hostility from the parent with care.

Given the complicated nature of family splitting and reforming it is difficult to work out how widespread this problem is in Scotland though studies such as Growing Up in Scotland (GUS) indicate that around a fifth (21%) of children in the birth cohort and around a quarter (26%) in the child cohort had a non-resident natural parent.

At sweep 3 of GUS it was found that only about two-thirds of non-resident fathers have any contact with their children<sup>1</sup> We don't know how many of these “missing” fathers have abandoned their children and what proportion were pushed out. The information from GUS tracked some interesting data amongst resident parents but the parent who has left the home has not been included in any of their surveys.

Another part of the same study found fewer than a third of mothers always asked for the

<sup>1</sup> Growing Up In Scotland: Sweep 3 Non-resident Parent Report, Scottish Government, 2009  
<http://www.scotland.gov.uk/Publications/2009/01/21085002/0>

non-resident father's views when making major decisions about the child (31% birth cohort, 26% child cohort). Greater contact was significantly associated with increased involvement in decision making and it is reasonable to assume the parent with care's indifference or hostility to sharing decision making is likely to reinforce the feeling of exclusion many fathers report.

When David Cameron made his Father's Day comments last June comparing absent fathers to drunk drivers deserving of stigmatisation there was a storm of angry response from the many fathers who had been trying desperately to take a responsible role but whose efforts are thwarted by their ex-partner.

At Families Need Fathers, we always advise people to try and reach agreements without using lawyers or courts but in far too many cases these disputes do end up in the family courts. Fathers are no more – or less - likely than mothers to be saintly after separation but the non-resident parent often gets to the point where they feel they have no choice. "What else can I do if she won't talk?"

Every year in Scotland there are around 2,000 applications to court for contact<sup>2</sup> (2004 estimate) Far more contact disputes settle out of court through legal correspondence or minute of agreement. In some cases agreement indicates an outbreak of cordiality between the parents. In others it is because the father feels he has to agree under duress or because he has simply run out of money. A quick tot up round the table at a recent FNF Scotland group meeting revealed legal fees already incurred of £250,000. "That's money my kids should have, not my solicitor's kids," observed one.

Some mothers are also separated from their children. A recent Radio 4 documentary on the humiliation felt by a non-resident mother at the hopelessness of two hours every fortnight in a public place and snack at McDonalds and sense of bereavement at handing them back drew widespread sympathy from FNF Scotland fathers who know the pain only too well.

Even allowing for very small number of situations in which violence or other issues makes it undesirable for children to see a separated parent (father or mother) this leaves many families in which contact is lost or reduced to an add-on to the children's life because of

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<sup>2</sup> Contact Applications Involving Allegations of Domestic Abuse: Feasibility Study, Scottish Executive, October 2004 <http://www.scotland.gov.uk/Publications/2004/10/20004/43946>

continuing conflict between the adults about money, past behaviour, concern about a new partner or just spitefulness.

There are usually two sides to every story but the adversarial imperatives of going to court frequently heighten the conflict rather than resolve them at the expense of the children. Judges acknowledge that to parties daily but their legal advisers, if they have them, often feel their duty is to their client come what may.

A number of studies have shown that children who grow up apart from their fathers are disadvantaged in many ways, during childhood and later life, such as the meta-analysis carried out by Amato and Gilbreth<sup>3</sup> which demonstrated that positive forms of father involvement (offering praise, expressing warmth, talking with children about their problems and providing supervision) are more important than frequency of contact.

Compared with previous generations, today's Scottish fathers are far more involved with their children. From attendance at birth, through to sharing in childcare and even (sometimes) doing the housework the expectations about his role for the Scottish father is very different from his grandfather.

But once the parents separate, the traditional template reasserts itself. The children mostly stay with their mother. Even fathers who attend FNF Scotland groups acknowledge it simply never occurred to them to ask for more. If the split is acrimonious, the father will often have to justify his contact with the children against arguments based on his unworthiness or the inconvenience to the mother, even if he was the main carer when they lived together.

Families Need Fathers Scotland suggest that a presumption of shared parenting could address most of the issues.

What do we mean by "shared parenting" ?

It does not necessarily imply a stated proportion of parenting time being allocated to each parent with children shuttling between homes on according to the timetable on the fridge. What seems to be the 'standard ration' that children are offered - a fortnightly visit to their

<sup>3</sup> Amato, PR and Gilbreth, JG (1999) 'Non-resident Fathers and Children's Well-Being, Journal of Marriage and the Family, 61, pp557-673

non-resident parent, plus some time around holidays - cannot be said to be shared parenting. Nor can parents with so little parenting time be effectively involved in any decisions that need to be taken.

Our definition is based on the objectives to be achieved.

They are

- 1) That the children feel that they have two properly involved parents;
- 2) That one parent is not able to dominate the lives of the children to the detriment of the other or to control the other parent via the children;
- 3) That the parents have broadly equal 'moral authority' in the eyes of the children and that the children have free access to both their parents over routine as well as major matters;
- 4) That the children are able to share their lives of both their parents 'in the round' - for example not being with one parent all 'routine time' and the other only for 'leisure';
- 5) That there is no part of the children's lives - for example their school life or their friends - that one parent is excluded from by virtue of the allocation of parenting time;
- 6) That there is no part of the parent's life that the children are, by virtue of the allocation of parenting time, excluded from;
- 7) That the children do not develop stereotyped ideas from their parents about the roles of the sexes, for example that fathers are just for money and treats, and that mothers are responsible for everything else.

It would be necessary to amend the Children (Scotland) Act to place this presumption on a sound legal footing and to give force to the presently unenforced and unenforceable obligation of the parent with care to support a good relationship between the children and the non-resident parent.

We were heartened to see the recent Government response to the Family Justice Review covering England and Wales<sup>4</sup>, which states “The Government fully support the Review’s view that the vast majority of children benefit from a continuing relationship with both parents, and that shared parenting should be encouraged where this is in the child’s best interests and is safe” and goes on to suggest that legislation may have a role to play in supporting shared parenting.

<sup>4</sup> <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/CM-8273>

Changing behaviour involves more than legislation, and that's where we suggest that the Scottish Parenting Strategy can include provision for supporting parents during and after separation to consider some form of shared parenting as a default position – not compulsory, but needing good reasons to reject it.

The need to understand more about fathers has already been acknowledged within the Strategy, but there is an opportunity to build that recognition into a positive move to redress the prevailing imbalance.

We already have a Parenting Agreement for Scotland<sup>5</sup> which provides a guide to shared parenting after separation although it appears to have dropped off the checklist for many solicitors arranging divorces. It ought to be at the top.

The challenge for the Parenting Strategy is to put more weight behind these principles and to help parents do the best they can for their kids by making shared parenting the norm rather than the exception.

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<sup>5</sup> <http://www.scotland.gov.uk/Publications/2006/04/19135817/0> and